

1301:5-7-03

Criteria for course approvals.

(A) Application for course approvals.

(1) An entity shall apply to the division of real estate, department of commerce, for approval in a form prescribed by the Ohio real estate commission with a specified nonrefundable processing fee. The application form and fee must be submitted to the division of real estate at least thirty days prior to the proposed initial date of the offering. The application form shall include, but not be limited to, the following information:

- (a) Name, address, email address, telephone and facsimile number of entity.
- (b) Name and address of owner of entity if entity is privately owned.
- (c) Policy regarding attendance and procedure for record keeping of attendance.
- (d) Summary of offering including minimally:
 - (i) Title of offering;
 - (ii) Maximum number of participants;
 - (iii) Type of training: seminar, conference, course, other;
 - (iv) Proposed initial date of offering;
 - (v) Prerequisite for admission and/or participation, if any;
 - (vi) Duration in time offering;
 - (vii) Form of attendance certificate;
 - (viii) Methods of record maintenance;
 - (ix) Textbooks and student materials prescribed;
 - (x) Sample of proposed advertising, if any;
 - (xi) Outline or syllabus;

- (xii) Attendance or participation fees;
 - (xiii) Location of offering;
 - (xiv) Number of hours course offered per day.
- (e) Personal data indicating names and qualifications of teachers and instructors.
- (f) Any other relevant information useful in determining that the entity proposes an offering which will contribute to desired current knowledge for the purpose of protecting the consumer and improving service by real estate licensees.
- (2) Whenever there is a material change in an approved offering, the entity shall promptly notify the division of real estate in writing.
- (3) The following offering will not be considered by the Ohio real estate commission to meet continuing education requirements:
- (a) General training or education to obtain a license or examination preparation offerings.
 - (b) Offerings in mechanical office and business skills such as typing, speed reading, memory improvement, language, report writing.
 - (c) Sales promotion or other meetings held in conjunction with the general business of the attendee or his business associates.
 - (d) Meetings which are a normal part of in-house staff training.
 - (e) That portion of any offering devoted to breakfast, luncheon, and dinner or other refreshment.
 - (f) Correspondence courses.

The listing of the above offerings does not limit the Ohio real estate commission's authority to disapprove any application which fails to meet the standards of this rule.

- (4) An entity which proposes to offer continuing education credit to license renewal applicants shall remit to the division of real estate annual fees in accordance with the following schedule:
- (a) For each application for approval of a continuing education offering
... ~~twenty~~ fifty dollars;
 - (b) For each offering of an approved course after the initial offering
~~five~~ ten dollars;
 - (c) For each continuing education offering renewal twenty dollars.
- (5) Continuing education courses shall be completed in seminars, schools, and educational institutions which are not limited to institutions providing two-year or four-year degrees but may include qualifying public or private schools, firms, associations, organizations, individuals, corporations, or similar arrangements and must be successfully completed after the effective date of these rules.

(B) Course approval criteria.

The Ohio real estate commission when acting on an application for approval of an offering will consider but not be limited to the following criteria.

- (1) Information included on the application form:
- (a) Name, address and telephone number of entity.
 - (b) Policy regarding attendance and procedure for recordkeeping of attendance.
 - (c) Summary of offer including minimally:
 - (i) Title of offering;
 - (ii) Maximum number of participants;
 - (iii) Type of training: seminar, conference, course, other;
 - (iv) Proposed initial date of offering;

- (v) Prerequisite for admission and/or participation, if any;
 - (vi) Duration in time of offering;
 - (vii) Form of attendance certificate;
 - (viii) Method of record maintenance;
 - (ix) Textbooks and student materials prescribed;
 - (x) Sample of proposed advertising, if any;
 - (xi) Outline or syllabus;
 - (xii) Attendance or participation fees;
 - (xiii) Location of offering.
- (d) Personal data indicating names and qualification of teachers and instructors.
- (e) Such other information as the Ohio real estate commission may request.
- (2) Time limits. Offerings will normally not be approved by the Ohio real estate commission in segments of less than three clock hours and only if the entity agrees to certify each attendee's enrollment in a manner prescribed for crediting toward the total thirty-clock-hour continuing education requirement. No offering will be approved in which classroom instruction exceeds more than eight clock hours in any one day.
- (3) Attendance.
- (a) No approved entity shall certify to attendance of a person who was not physically present during at least ninety per cent of the offering time. All offerings must be successfully completed.
 - (b) Offering entity shall maintain for ~~five~~ six years a record of attendance of each person attending an offering disclosing the following information:

- (i) Ohio real estate commission approval certificate number.
- (ii) Name and business address of attendee.
- (iii) Offering, title and description.
- (iv) Clock hours of attendance.
- (v) Date of offering.
- (vi) Name, address, and signature of verifier in employ of entity.
- (vii) The offering entity shall certify the items enumerated above on a prescribed form and furnish a copy to the attendee within thirty days after completion of the offering.

(c)

- (i) Each offering entity shall notify the division of real estate in writing, at least ten days in advance of the addition of an offering date for an approved course, or change in an offering date for an approved course, and notify the division in writing at least three days in advance of all course changes including location(s), time(s), instructor(s), or change(s) in course content.
- (ii) Each offering entity shall submit to the division of real estate, within fifteen days after completion of each offering, a list of licensees who successfully completed the course.

The list shall include:

- (a) Course title and certification number;
- (b) Date conducted;
- (c) Address location where the course was conducted;
- (d) Licensee name;

(e) Licensee file number;

(f) Licensee address (home or business).

(4) Instructor qualification. Instructors, seminar and conference leaders, lecturers and others who present a continuing education requirement offering must meet at least one of the following qualifications approved by the Ohio real estate commission:

(a) Possession of a bachelor's degree in a related field to that in which the person is to teach, from a school listed as an institution of higher learning by the United States department of education, or from a comparable school of a foreign country; or

(b) Possession of a valid teaching credential or certificate from Ohio or another state authorizing the holder to teach in the field of instruction in which the person is to teach; or

(c) Five years full-time experience in a profession, trade, or technical occupation in the applicable field; or

(d) Any combination of at least five years of full-time experience relevant to the applicable field and college level education.

(e) Unless approved by the Real Estate Commission, any person that has been disciplined by the Ohio Real Estate Commission for a violation of Chapter 4735 or the rules adopted there under is ineligible to serve as an instructor, seminar or conference leader or lecturer.

(5) Each continuing education course shall be open to all real estate licensees.

(a) An offering entity may offer members of that entity a reasonable reduction in the fees it charges to its members for a course. The reduction in fees offered to members shall be reasonable if it does not exceed the following amounts:

(i) For a course costing non-members ten dollars or less, a reduction of up to one hundred per cent;

(ii) For a course costing non-members between eleven dollars and twenty dollars, a reduction of not more than fifty per cent;

- (iii) For a course costing non-members between twenty-one dollars and thirty dollars, a reduction of not more than forty-five per cent;
 - (iv) For a course costing non-members between thirty-one dollars and fifty dollars, a reduction of not more than forty per cent;
 - (v) For a course costing non-members between fifty-one dollars and one hundred dollars, a reduction of not more than thirty-five per cent; and,
 - (vi) For a course costing non-members over one hundred dollars a reduction of not more than thirty per cent.
- (b) Any reduction in fees charged to members of the offering entity that exceeds the amounts set forth in paragraph (B)(5)(a) of this rule shall be deemed to be unreasonable unless the superintendent finds that the differential charged is not structured to discourage the attendance of non-members of the offering entity.
- (6) Passage of an examination by a licensee shall not be a requirement for successful completion of a continuing education course.
- (7) An instructor may receive continuing education credit for the number of unduplicated subject matter hours he instructs for each different course taught, per reporting cycle.
- (8) The Ohio real estate commission shall approve course offerings for continuing education in only the following areas:
- (a) Real estate ethics;
 - (b) Legislative issues that influence real estate practice;
 - (c) Real estate laws and regulations, including licensing provisions and regulatory practices;
 - (d) Advanced real estate financing, including mortgages and other financing techniques;
 - (e) Real estate market measurement and evaluation, including site

evaluations, market data, and feasibility studies;

- (f) Real property management, including leasing agreements, accounting procedures, and management contracts;
- (g) Land use planning and zoning;
- (h) Real estate securities and syndication;
- (i) Accounting and taxation as applied to real property;
- (j) Land development;
- (k) Advanced real estate appraising;
- (l) Real estate marketing procedures related specifically to actual real estate knowledge;
- (m) Timeshares, condominiums and cooperatives;
- (n) Brokerage office management;
- (o) Use of calculators/computers as applied to the practice of real estate.
- (p) Business administration including but not limited to business operations management, human resources management and business taxation.

(C) Denial of course approval.

- (1) The superintendent may waive the requirements of thirty day notification on an original application for course approval, or the ten day application for additional offerings of an already approved course as set forth in paragraphs (A)(1) and (B)(3)(c)(i) of this rule, if the superintendent determines that the offering meets the prescribed standards set forth in this rule. The offering entity must submit in writing along with the roster required under paragraph (B)(3)(c)(i) of this rule, a certified check or money order in accordance with the following schedule in order to request the superintendent's waiver:
 - (a) New continuing education course offering submitted less than thirty days prior to the offering date, but not less than ten days prior to the offering two dollars per credit hour per attendee.

- (b) Additional offering of a course approved for that calendar year submitted less than ten days prior to the offering date.... two dollars per credit hour per attendee.
 - (c) Additional offering of a course approved in a previous calendar year, not renewed for the current calendar year.... two dollars per credit hour per attendee.
 - (d) Change of location, time, instructor, or change of course content of a course approved for that calendar year, submitted less than ten days prior to the offering date.... two dollars per credit hour per attendee.
- (2) The offering entity must issue certificates using the correct course certification number. Any certificate incorrectly issued must be reissued to each attendee. Within thirty days of notice of the defective certificate by the offering entity using the valid certification number as assigned by the division.
 - (3) The superintendent may deny approval of the application for any proposed continuing education offering if the offering does not meet prescribed standards, or if the offering does not adequately reflect any present current real estate knowledge as a basis for a level of real estate practice which should provide a high level of consumer protection and service.
 - (4) Anyone who objects to a denial of approval by the superintendent may file a written request for hearing. Such request must be received by the division no later than thirty days after the date of the denial. A hearing before the Ohio real estate commission will be held within ninety days thereafter unless the party requesting the hearing shall have requested or consented to a postponement. If the hearing is not held within ninety days after a request for a hearing is received plus the period of any such postponement, or if a decision is not rendered within thirty days after the hearing, the order of denial shall be rescinded and a certificate of approval issued on request.
 - (5) If the superintendent determines an offering previously approved no longer meets prescribed standards set forth in Chapter 4735 or this rule, a written notice of withdrawal of approval will be given stating the reasons therefore. Such withdrawal of approval will be effective ten days from the date of the notice of withdrawal, ~~unless the~~ The party served with the withdrawal notice files may file, within thirty days of the date of the withdrawal notice, a written request for hearing before the Ohio real estate commission ~~before the effective date of the withdrawal of approval.~~

- (6) ~~If a request for hearing is timely filed, the withdrawal of approval will not be effective until ordered by the Ohio real estate commission upon findings made from said hearing. The the hearing shall be held within ninety days after receipt of the request therefore unless postponed by mutual consent.~~
- (7) ~~The superintendent may revoke its approval of any course for a failure to comply with the notification requirements set forth in paragraphs (B)(3)(c)(i) and (B)(3)(c)(ii) of this rule, or failing to maintain records as provided in paragraph (B)(3)(b) of this rule. Written notice of the revocation shall be given, stating the reasons therefor. Such revocation shall be effective ten days from the date of receipt of the notice unless the party served with the notice files before the effective date a written request for a hearing before the Ohio real estate commission.~~
- (8)(7) ~~The superintendent may suspend or revoke~~withdraw its approval of any instructor and/or offering entity who fails to comply with any provisions of Chapter 4735 or this rule. Written notice of the suspension or revocation withdrawal shall be given, stating the reason therefore. Such suspension or revocation withdrawal shall be effective ten days from the date of receipt of the notice unless the party served with the notice files before the effective date a written request for a hearing before the Ohio real estate commission. The party served with the withdrawal notice may file, within thirty days of the date of the withdrawal notice, a written request for a hearing before the Ohio real estate commission. If request for a hearing is timely filed, the ~~suspension or revocation will not become effective until ordered by the Ohio real estate commission upon findings made from said hearing. The hearing shall be held within ninety days after receipt of the request therefore unless postponed by mutual consent.~~
- (9) ~~If a request for a hearing is timely filed, the revocation will not become effective until ordered by the Ohio real estate commission upon findings made from said hearing. The hearing shall be held within ninety days after receipt of the request therefor unless postponed by mutual consent.~~

(D) Roster of approved courses.

The Ohio division of real estate shall keep a current list of approved continuing education courses. ~~Copies of the roster~~which shall be available to licensees and the public ~~at the Ohio division of real estate.~~

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Certification

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